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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 25

Application Number: 09/331,756

Filing Date: August 23, 1999

Appellant(s): ARAS, MEHMET R.

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**Technology Center 2600**

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Chris Comuntzis  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed December 23<sup>rd</sup>, 2003.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant identifies the following grouping of claims:

Group I: Claims 38-41, 44, 47-49, 51, 53 and 56-59.

Group II: Claims 42 and 50.

Group III: Claims 43, 45, 46, 52 and 54-55.

Appellant asserts that each of those groups stands or falls together and does not stand or fall with any other groups.

**(8) *ClaimsAppealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

5,412,416	Nemirofsky	05-1995
4,829,569	Seth-Smith et al.	05-1989
4,694,490	Harvey et al.	09-1987

**(10) *Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1 Claims 38-41, 44, 47-49, 51, 53 and 56-59 are rejected under 35 U.S.C. 102(b) as being unpatentable by Nemirofsky (US 5412416).

Regarding claim 38, Nemirofsky discloses a TV broadcast method for a system to be operated from a TV continuity studio within the control of a broadcast flow unit, the method comprising:

Generating alphanumeric characters (ability to tailor commercial messages to particular remote sites; Col. 3, lines 43-65+) and/or image data separately for each of plural remote sites at a central site (a Logo generator 30

coupled to sync generator 28 generates a video overlay of selected Logo; Col. 5, lines 65-Col. 6, lines 30) and transmitting the alphanumeric characters and/or image data therefrom to the plural remote sites via a digital data communication link (see Fig. 2, element 46; Col. 7, lines 35-44);

Detecting whether the alphanumeric characters and/or image data have been received correctly at the remote sites via the link (Col. 9, lines 53-57 and Col. 13, lines 28-35 and Col. 16, lines 7-36);

Generating and transmitting command codes (Control data; Col. 6, lines 31-51+) within non-displayed portions (VBI within the analog environment; i.e VBI-1000 Data transmission system Col. 6, lines 40-42) of broadcast television signals to remotely control each of the remote sites from the central site (Col. 7, lines 22-30).

Converting the alphanumeric characters and/or image data to local vision materials with a graphic generator at each of the remote sites (Fig. 3, Col. 10, lines 53-65+);

➤ Regarding "At each remote site, overlaying the local vision material synchronously onto the continuing general television signal without cutting off the main general broadcast", is described by Nemirofski's Fig. 3 and "the CATV modulator 76 coupled to video overlay keyers 75 modulate the signal, whether analog or digital, to an appropriate frequency for local distribution at the receiving site through a cable network 79" (Col. 10, lines 62-65). Hence, the process of overlaying or displaying Logo/commercials

over the general television signal (super-imposing) does not cut off the general broadcast because the Logo/commercials is displayed on the foreground of the TV screen while the general broadcast is displayed on the background of the TV screen; and

Detecting whether the local vision materials have been broadcast via transmission of digital information sent back to the central site (Col. 13, lines 34-44).

Regarding claim 39, Nemirofsky further discloses producing still or moving alphanumeric characters and/or image data at a the central site continuity studio (Logo generator 30; Col. 5, lines 31-39); and

Simultaneously transmitting the alphanumeric characters and/or image data to a selected number of the remote sites through a digital data communication link (Col. 6, lines 3-65+; specifically at line 52 discloses "digital embodiment").

Regarding claim 40, Nemirofsky further discloses controlling and verifying whether the data present at the central site and sent to remote stations have been received correctly by using a modem (Col. 13, lines 29-50; Col. 16, lines 6-65+).

Regarding claim 41, Nemirofsky further discloses generating and transmitting command codes (control data) within the broadcasting process, either automatically or semi-automatically under an operator's control, to remote

site by using the VBI and/or hex numbered pages of the Teletext transmission (Col. 5, lines 19-42).

Regarding claim 44, Nemirofsky further discloses wherein the alphanumeric character and/or image data sent from the central site (Col. 5, lines 65-Col. 6, lines 50) are converted at the remote site to local vision material as subtitles, graphics, footer, frame, or animation using a graphical generator, decoder, inserter, hard disk, and CD-ROM recorder/reader (Fig. 3, Col. 10, lines 53-Col. 11, lines 46)

Regarding apparatus claim 47, see method claim 38.

Regarding apparatus claim 48, see method claim 39.

Regarding apparatus claim 49, see method claim 40.

Regarding apparatus claim 51, see method claim 41.

Regarding apparatus claim 53, see method claim 44.

Regarding method claims 56, 58, 59 and apparatus claims 57, they are analyzed with respect to method claim 38 in which Nemirofsky further discloses transmitting broadcast television signals (Fig. 1) from the central site RS (Fig. 2) to each of the remote site RS (Fig. 3). Furthermore, Nemirofsky discloses the network-wide program 20 and market-specific segments 22 will usually include commercial advertising, as well as entertainment, news, sports and educational programming (Col. 11, lines 24-26). Thus, Nemirofsky's system clearly encompasses the claimed limitation of "transmitting broadcast television signals" see Col. 11, lines 5-20).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 42 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nemirofsky (US 5412416) in view of Seth-Smith et al. (US 4829569).

Regarding claim 42, Nemirofsky does not clearly disclose wherein a decoder at each remote site extracts, decodes, and transfers commands coming through teletext to a remote site computer. However, Nemerofsky discloses a decoder at each remote site extracts, decodes and transfer commands coming through VBI to a remote site computer (Fig. 3; Host computer 70; Col. 3, lines 38-40; Col. 6, lines 31-33; Col. 8, lines 42-50 and Col. 10, lines 45-65+).

Seth-Smith discloses that VBI are used to transmit teletext (Col. 9, lines 11-23) so that a teletext decoder could detect system control data (Col. 17, lines 10-25). Therefore, it would have been obvious to one in the ordinary skill in the art to modify Nemirofsky to use VBI to transmit Teletext so that allows the user to selectively store, retrieve, and display any of the digital data transmitted with the video signal, thereby extending the enjoyment and utility of the consumer's TV set (Col. 5, lines 49-63).

Regarding apparatus claim 50, see method claim 42.

3. Claims 43, 45, 46, 52, and 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nemirofsky (US 5412416) in view of Harvey et al. (US 4694490).

Regarding claim 43, Nemirofsky further discloses wherein the command codes (control data) from the central managing and controlling site act to control: Functions (Col. 11, lines 54-65+);

Switches between general or differential transmissions to a corresponding broadcast area from a storage medium for still or moving character and/or image data to a display producing area in a remote site (Col. 6, lines 8-43).

Report a control process to a central site continuity studio (Col. 16, lines 5-Col. 17, lines 5);

Nemirofsky does not clearly disclose start, stop, and differentiation of one or more process; however, Nemirofsky discloses multiples control tasks (Col. 15, lines 63-65+) to perform process at remote site.

Harvey discloses start, stop, differentiation of one or more process (Abstract and Fig. 6A-D and Col. 17-21). Therefore, it would have been obvious to one in the ordinary skill in the art to modify Nemirofsky by integrating predetermined instruction in the control data, as taught by Harvey, so that Broadcast transmission facility can duplicate the operation of a television studio automatically through the use of instruction and information signals embedded in programming supplied from a broadcast source to the remote site for monitoring (Col. 3, lines 30-Col. 4, lines 5).

Regarding claim 45, Nemirofsky discloses wherein hardware at each remote site controls actual overlay of the local vision materials (Fig. 3, elements 75);

Nemirofsky does not disclose signals level from the satellite receiver and output from a cable head-end and/or TV transmitter to be within acceptable pre-defined limits.

Harvey discloses signals level from the satellite receiver (Col. 4, lines 47-65+) and output from a cable head-end and/or TV transmitter to be within acceptable pre-defined limits (Col. 5, lines 4-10) and (Col. 7, lines 23-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nemirofsky with claimed features, as taught by Harvey, so to be help operator to detect the failure of the transmission based on the strength of the transmission signal.

Regarding claim 46, Both Nemirofsky (Col. 15, lines 60-Col. 16, lines 45) and Harvey (Col. 12, lines 46-57 and Col. 18, lines 30-42) further discloses sending querying data about the operations at the remote site, error reports to the central continuity studio and, when desired, remote site operational information from the continuity studio through modem/telephone network and/or satellite data link.

Regarding apparatus claim 52, see method claim 43.

Regarding apparatus claim 54, see analysis of method claim 45.

Regarding apparatus claim 55, see analysis of method claim 46.

**(11) Response to Argument**

**Group I:** Claims 38-41, 44, 47-49, 51, 53 and 56-59.

Claim 38, appellant argues

- Nemirosky is not related to a TV broadcast system and method.
  - In response, the examiner respectfully disagrees because Nemirosky discloses a TV broadcast system Fig. 1 and 2 (note "TV" 14) comprising a distribution center DC having means for transmitting a Network-Wide video program 20 (i.e., TV networks), Program Source receiver 23 (i.e., Video-on-demand) and a market-specific segments (targeted commercials) to a plurality of receiving sites RS. Nemirosky further discloses the network-wide program 20, Program Source receiver 23 and market-specific segments 22 will usually include commercial advertising, as well as **entertainment, news, sports and educational programming** (Col. 11, lines 24-26). Nemiroski further states, "As in common **cable television system**, each unique program channel occupies a discrete portion of the transmission signal..." (Col. 11, lines 6-20). Thus, Nemirosky's system clearly relates to a TV broadcast system and locates within a TV continuity studio for distributing video program to targeted customers/users/viewers. Furthermore, the definition of a TV broadcast system cited by Applicant "... may use a terrestrial antenna or satellite system to transmit information from a single source to any TV set or radio

capable of receiving the signal with the area of coverage" clearly meets Nemirofsky 's system see Fig. 1.

- Nemirofsky fails to teach or suggest " generating alphanumeric characters and/or image data... at a central site..."
  - In response, the Examiner respectfully disagrees because Nemirofsky discloses "a Logo generator 30 coupled to Sync generator 28 generates a video overlay of selected Logo (image data)..." at the distribution center DC (Col. 5, lines 65+).
- Nemirofsky fails to teach or suggest "converting the alphanumeric characters and/or image data to local vision materials with a graphic generator at each of the remote sites."
  - In response, the Examiner respectfully disagrees because Nemirofsky's present invention assembles "customized video programs" that comprise the program segments of the network-wide program, with selected market specific segments, Logo generator and video overlay keyer inserted at various points therein by at the USC 4 (Fig. 2; Col. 5, lines 65-Col. 6, lines 15) and transmits over the receiver side. At the receiver site, Nemirofsky discloses "each channel transmitted from routing switcher 74 contains an assembled customized video program in the form it will be broadcast at the receiving site" to the targeted audiences (Col. 10, lines 40-45). Thus in order to present to user targeted Logos or messages to targeted audiences, Nemirofsky's system must has a "graphic generator" to convert

the received "customized video programs" at the remote site so to perform the function as described.

- Nemirosky fails "to detect whether the alphanumeric characters and/or image data have been received correctly at the remote sites via the digital communication link."
- In response, the examiner respectfully disagrees because Nemirosky discloses the Data receiver Message task (T1) continually waits and checks for receipt/failure of incoming messages from the receiver 54 (Col. 16, lines 7-36) so to be permit any error or failure information detected at the receiver site could be conveyed to the distribution center by using a modem 50 of Fig. 3.
- Nemirosky fails to teach or suggest "generating and transmitting command codes with non-displayed portions of broadcast television signals to remotely control each of the remote sites from the central site."
- In response, the examiner respectfully disagrees because Nemirosky discloses "In the analog embodiment, data insertion unit 38 preferably encodes the control data in a vertical blanking interval (non-displayed portion) in the analog video signal" (Col. 3, lines 38-40; Col. 6, lines 30-33; Col. 8, lines 42-50).
- Nemirosky fails to teach or suggest "at each remote site, overlaying the local vision material synchronously on to the continuing television signal without cutting off the main general broadcast."

➤ In response, Nemiroski, Fig. 3, shows that CATV modulator 76 coupled to video overlay keyers 75 modulate the signal, whether analog or digital, to an appropriate frequency for local distribution at the receiving site through a cable network 79 (Col. 10, lines 62-65). Hence, the process of overlaying or displaying Logo/commercials over the general television signal (super-imposing) does not cut off the general broadcast because the Logo/commercials is displayed on the foreground of the TV screen while the general broadcast is displayed on the background of the TV screen;

**Group II:** Claims 42 and 50.

- Claims 42 and 50 require added limitations of *inter-alia* decoding of teletext. The Appellant argues “the Examiner alleges this would be similar to Nemirofsky’s alleged decoding of commands received via the VBI... citing to Nemirofsky’s Fig. 3, host computer 70 and col. 10, lines 45-58. However, the undersigned cannot find any such alleged features at the cited portions of Nemirofsky.”
- In response, one of ordinary skill in the art would recognize that VBI is notoriously well known in an analog environment of CATV wherein Nemirofsky discloses at many sections within the reference. The Examiner cites Col. 3, lines 38-40; Col. 6, lines 31-33; Col. 8, lines 42-50 and Col. 10, lines 45-65+ to support.

**Group III:** Claims 43, 45, 46, 52 and 54-55.

- Claim 43, Appellant merely states "Claims 43 and 52 require added limitations of *inter-alia* command codes from central managing and controlling site act to control functions, switches between general or..., and the Office Action alleges that this would be similar to Nemirofsky's disclosure of performing multiple tasks. Appellant respectfully disagrees."
- In response, the Examiner maintains the previous rejection and cites:
  - Nemirofsky further discloses wherein the command codes (control data) from the central managing and controlling site act to control:
    - Functions (Col. 11, lines 54-65+);
    - Switches between general or differential transmissions to a corresponding broadcast area from a storage medium for still or moving character and/or image data to a display producing area in a remote site (Col. 6, lines 8-43).
  - Report a control process to a central site continuity studio (Col. 16, lines 5-Col. 17, lines 5);
    - Nemirofsky does not clearly disclose start, stop, and differentiation of one or more process; however, Nemirofsky discloses multiples control tasks (Col. 15, lines 63-65+) to perform process at remote site.
    - Harvey discloses start, stop, differentiation of one or more process (Abstract and Fig. 6A-D and Col. 17-21). Therefore, it would have been obvious to one in the ordinary skill in the art to modify Nemirofsky by

integrating predetermined instruction in the control data, as taught by Harvey, so that Broadcast transmission facility can duplicate the operation of a television studio automatically through the use of instruction and information signals embedded in programming supplied from a broadcast source to the remote site for monitoring (Col. 3, lines 30-Col. 4, lines 5).

- Claims 45, 46, Appellant merely states "Claims 45-46 depend from claim 38... Since Nemirofsky fails to teach or suggest all the requirements of claim 38 and Harvey et al. does not solve the deficiencies of Nemirofsky... Likewise, claims 52, 54-55 depend from independent claim 47. Neither Nemirofsky nor Harvey, alone or in combination, teach or suggest all the requirements of independent claim 47."

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

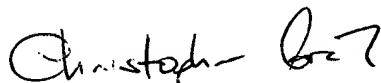


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